

Special Education Programs

Fall Newsletter 2006

September 2006

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IDEA 2004 Final Regulations Released

On August 3, 2006, the U.S. Department of Education announced the release of the final Part B regulations to implement the *Individuals with Disabilities Education Improvement Act of 2004 (IDEA)*. On August 14, 2006, the official copy of the final Part B regulations of the *IDEA* was published in the *Federal Register*. If you would like a link to the regulations please follow the address below and scroll down the page.
<http://www.ed.gov/policy/special/guid/idea/idea2004.html#tools>

Special Education Programs is in the process of printing a copy of the final regulations for special education directors at each district, special education cooperative and agency. The comment section at the front of the regulations offers guidance when you are looking at specific regulations.

Data Verification

With the reporting requirements for the State Performance Plan (SPP) and monitoring data tables that are reported federally, it is increasingly important to have a data verification process in place. To reiterate the importance of data reporting and verification, an interview form has been developed to be used during the monitoring process to find out what districts are doing to ensure the data reported by the district is accurate. One approach to verifying data is to have a uniform system of reporting information to the data entry person, an example of this is the SIMS Reported Data Elements form. This could be utilized as is or adapted to meet your district needs. It currently reflects the new preschool codes and has all elements that are on the Special Education Enrollment tab in DDN Campus and SIMS.

A copy of the SIMS Reported Data Elements form is available on the SEP website under Data at <http://doe.sd.gov/oess/specialed/index.asp>

If you have questions, please contact Linda Turner at 773- 6119 or by E-mail at linda.turner@state.sd.us

Special Education Programs staff has received several questions about what duties an individual may carry out when working with students with disabilities if the individual does not have a bachelor's degree, special education certification or a special education endorsement. Fundamental to this issue are the personnel requirements described in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). The implementing regulation, at 300.156, states in pertinent part:

- (a) General. The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.
- (c) Qualifications for special education teachers. The qualifications described in paragraph (a) of this section must ensure that each person employed as a public school special education teacher in the state who teaches in an elementary school, middle school, or secondary school is highly qualified as a special education teacher by the deadline established in section 1119(a) (2) of the ESEA which was the end of the 2005-2006 school year.
- (d) Policy. In implementing this section, a State must adopt a policy that includes a requirement that LEAs in the state must take measurable steps to recruit, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

The preparation program requirements for a K-12 special educator in South Dakota are described at ARSD 24:16:08:45. The state special education endorsement requirements are found at 24:15:06:41.

The IDEA regulation and our state administrative rules require that an individual must have a bachelor's degree and hold state certification or endorsement in special education.

If the special educator teaches any content areas (language arts, mathematics, science, social studies, etc) he/she must also hold content area certification.

If an individual does not meet the qualifications stated above he/she can only act as a paraprofessional working under the direct supervision of a properly qualified special education teacher. Paraprofessionals cannot develop or write individualized education plans (IEPs) or sign IEPs as a special education teacher. They cannot assess (test) students with disabilities as required for initial evaluation or three-year reevaluations. Paraprofessionals cannot write lesson plans or other plans for instruction. They can, however, follow plans developed by a highly qualified teacher. Paraprofessionals must meet regularly with their supervising teacher to monitor and discuss student progress. Paraprofessionals must be supervised by a highly qualified special educator as they instruct students.

If a paraprofessional is working in a Title I school-wide school, he/she must also meet Title I requirements. Those requirements are: 1) completion of a high school diploma or GED; AND either 2) two years of college or an associate's degree, or 3) pass the ParaPro state test for paraprofessionals.

If you have further questions, please contact your SEP region program specialist.

IEP Forms Update

Updated IEP printable forms were posted on the web Sept. 11. A notice will be sent on the listserv regarding the changes and the effect of the changes to the Online IEP. The DDN Online IEP is in the process of being updated and is expected to be completed by October 1. Changes to the TA Guide for the IEP are also being made and will be posted on the SEP website as soon as possible.

FERPA

The Family Education Rights and Privacy Act (FERPA) protects the privacy interests of students. It affords parents the right to access and amend their children's education records, and gives parents some control over the disclosure of the information in these records.

FERPA generally prevents an education agency or institution from sharing student records, or personally identifiable information in these records, without the written consent of a parent.

The mission of the Family Policy Compliance Office (FPCO) is to meet the needs of the Department's primary customers—learners of all ages—by effectively implementing two laws that seek to ensure student and parental rights in education: the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

<http://www.ed.gov/policy/gen/guid/fpc/index.html>

This link provides districts with information they need in order to comply with federal regulations. It also lists model notifications that districts can incorporate into their policies as well as a Spanish version.

REMINDER

IF YOU HAVE NOT SENT IN PROJECT COMPLETION REPORTS FOR 2005-2006 FLOWTHROUGH FUNDS PLEASE DO SO. PART B FLOWTHROUGH FUNDS APPLICATIONS FOR 2006-2007 ARE DUE NOW.

New Pre-school Codes for Children Ages 3-5

The Special Education Enrollment Tab in DDN Campus and SIMS will be updated to reflect new preschool codes. Students who currently have a preschool code will be automatically mapped to a new code. The mapped codes were chosen based on similarity, but case managers should check the services on the IEP to ensure the transferred code is appropriate in preparation for Dec. 1 child count. Additional information about the definitions for each code can be found on the preschool codes flowchart found <http://doe.sd.gov/oess/specialed/619.asp> scroll down to Technical Assistance. Addendum IEPs do not need to be held to use the new codes, but as new or annual IEP's are written the new coding should be utilized. Please share this information with special education staff and the district's data entry person. The codes should be updated by October 1. Below is the mapping for the new codes.

| <i>Old Preschool Codes</i> | <i>New Preschool Codes</i> |
|---|---|
| 0305 - Home | 0365 - Home |
| 0315 - Early Childhood Setting | 0315 - Early childhood program 80% - 100% |
| 0325 - Part-time Early Childhood/Part-time Early Childhood Special Education Setting | 0325 - Early childhood program 40-79% |
| No old code | 0330 - Early childhood program less than 40% |
| 0335 - Early Childhood Special Education Setting | 0335 - Separate class |
| 0345 - Separate School | 0345 - Separate school |
| 0355 - Residential Facility | 0355 - Residential facility |
| No old code | 0375 - Service provider location (not in school setting) |

Visit the SEP website <http://doe.sd.gov/oess/specialed/619.asp> scroll down to TECHNICAL ASSISTANCE and then IEP to view instructions for how to code new Preschool codes for three through five year olds.

REMEMBER: if a child is five years old on December 1st they must have a preschool environment code. Even if the child is in kindergarten, if he/she is five years old on the December 1st child count, they must be coded to a three through five year old preschool setting.

New Publication from the National Association of State Directors of Special Education.

NASDSE has a new publication on *Meeting the Needs of Students Who are Deaf or Hard of Hearing, Educational Services Guidelines*. The guidelines describe the essential program elements and features to be considered when designing appropriate services for students who are deaf or hard of hearing, including those students with multiple disabilities. The book discusses a full continuum of options and presents best practices from the field. The guide costs \$25 and is available at www.nasdse.org. SEP has a copy if anyone is interested in previewing the publication. We can loan it out for a two week check out. Send an email to Ann Larsen at ann.larsen@state.sd.us if you are interested.

(SD DOE does not approve, recommend or endorse publications. This is strictly for information purposes.)

***Traversing Special Education
Conflict:
Essential Navigation Tools***

This interactive workshop, sponsored by the South Dakota Department of Education - Office of Educational Services and Support, the South Dakota Navigator Program, and South Dakota Parent Connection, will address key insights and indispensable skills related to plotting a strategic course and effectively navigating through conflict in special education. Essential process elements common to mediation, resolution sessions, and IEP facilitation will be presented. Participants will also examine the CADRE Continuum of Processes and Practices to gain a better understanding of the emerging shift towards early and innovative dispute resolution activities on a national level.

The Consortium for Appropriate Dispute Resolution in Special Education (CADRE) is funded by the Office of Special Education Programs at the US Department of Education. CADRE works with state and local education and early intervention systems, parent centers, families and educators to improve programs and results for children with disabilities. As the National Center on Dispute Resolution, CADRE works to increase the nation's capacity to effectively resolve special education disputes, reducing the use of expensive adversarial processes.

Workshop dates are 9/26/06 in Sioux Falls, 9/27/06 in Pierre, or 9/29/06 in Rapid City. This one day workshop is free of charge! Lunch will be provided. Please visit the SEP website at <http://doe.sd.gov/oess/specialed/news/index.asp> by Monday, September 18th, 2006 to access the registration information and registration form. Questions? Please Call South Dakota Parent Connection at 1-800-640-4553.

**Positive Behavioral Interventions
and Supports**

South Dakota's Special Education Programs recognizes the need for a state wide behavior initiative. The State Performance Plan is one of the tools that is driving the implementation of a state wide model. District staff continue to request assistance and training in the area of behavioral supports. Funding has been set aside in order to begin implementation of PBIS in South Dakota schools. SEP will continue the commitment to districts eligible to implement Positive Behavioral Interventions and Supports (PBIS).

PBIS is a school-wide systems approach which will provide support and guidance to districts as well as help increase positive behaviors and academic achievement. PBIS is comprised of a broad range of systemic school wide, group and individualized strategies for achieving important social and learning outcomes while preventing problem behavior with all students. PBIS is not a specific "model" but a compilation of effective practices, interventions, and systems change strategies that have empirically demonstrated to be effective and efficient. PBIS has relevant applications to educating all children and youth in schools or other community settings. PBIS is a data driven systems approach developed to assist schools and community settings achieve socially important behavior change. Systems are put in place to support staff while they teach and encourage positive, healthy behaviors. When schools or community settings implement PBIS the result is documentation of more desirable child or youth behaviors and safer learning environment where students are able to achieve increased learning.

To guarantee the success of this initiative, a leadership team was developed in order to bring together a team of individuals with a variety of strengths as well as diverse backgrounds and experiences. The members of this team worked to develop a plan for making PBIS available to SD schools for the 2007-2008 school year. More information about becoming one of the districts in the initial PBIS innovation zone will be available soon. If you have questions please contact Rebecca Cain at 773-8196 or Rebecca.cain@state.sd.us. For more information on PBIS you can visit the website at www.pbis.org

- DOE Special Education Listserv -to receive information from Special Education Programs regarding announcements, trainings, and updates
- Online IEP Users -to receive information and updates about the online IEP tool
- Alternate Listserv for teachers working with alternate content standards and alternate assessment:

To register go to <http://doe.sd.gov/oess/specialed/index.asp> and scroll down to ONLINE RESOURCES.

Suspension and Expulsion Data Collection for 2006-2007

Data collection for suspension and expulsion is changing for the current 2006-2007 school year. The Office of Special Education Programs (OSEP) is now requiring collection of in-school suspension information under and over 10 days as well as gender, a change in how to report the number of days and limited English proficiency of discipline removals. Special Education Programs is in the process of working with our vendor to make changes and updates to our reporting system. In the meantime, you can visit our website to see the information that you will need to be collecting. The whole reporting form that South Dakota uses to report to OSEP is at the link.

Districts may find it beneficial to make district documentation forms that mimic the federal forms. To access the federal form visit the SEP web page <http://doe.sd.gov/oess/specialed/index.asp> scroll down to data and you will see the link to the 2006-2007 data collection information.

NIMAS and NIMAC

Letters are coming out to superintendents and special education directors telling about NIMAS and NIMAC. NIMAS is the **National Instructional Materials Accessibility Standard (NIMAS)**, which is designed to streamline access to instructional materials for students who are blind or have other print disabilities. NIMAC is the **National Instructional Materials Access Center**. Both of these new regulations can be found in IDEA 300.172 Access to Instructional Materials.

SEP is working with Dan Boyd and Connie Sullivan at the State Library on implementation of this new requirement. There is not a lot of changes at the district level. There will be a paragraph that will need to be added to any new contracts or purchase orders for new text books. That information is included in the letter.

(Continued ->)

Procedural Safeguards Brochure

The updated procedural safeguards brochure will be on the website in October. SEP is proofreading it now and expects to have it completed by the end of the month. As soon as the document is approved it will be sent off to have a Spanish version made. Both versions will be posted on the SEP website. A notice will go out on the listserv when it is posted.

Highly Qualified Special Education Staff

A mailing went out recently to superintendents and special education directors from SEP and the Office of Teacher Quality and Accreditation. The letter was discussing the phasing out of HOUSS rules and highly qualified status for high school special education teachers. If you have not received this information by September 15th, contact your region program specialist for a copy.

(Continued)

SEP is in charge of making sure this regulation is carried out because it was included as a new assurance for the federal grant application process (Flowthrough Funds Application for Part B). This assurance is part of the letter and will need to be returned to SEP.

If you have any questions, please contact Dan Boyd at 605-773-5051, dan.boyd@state.sd.us or Connie Sullivan at 605-773-5081, connie.sullivan@state.sd.us.

You can see the letter and more information at

<http://doe.sd.gov/oess/specialed/news/index.asp>

IEP Updates

Updates made to the Printable IEP form and impact on the Online IEP (DDN Campus and SIMSnet)

*The IEP Technical Manual is being updated, anticipated release date the first week of October.

**The online IEP is being updated, all references to “changes will be reflected in the update” refer to the anticipated release date of early October.

| Changes to Printable IEP form Revised 9/06 | Impact of IEP revisions to Online IEP |
|---|--|
| Page 1 – SIMS Number has replaced Social Security Number | The Online IEP already prints SIMS number on the IEP |
| Page 1 – Placement Codes: The early childhood (300 codes) have been updated to reflect new reporting requirements | The placement code changes will be reflected in the update. <u>Additionally the Special Education Enrollment tab will be updated to reflect the new codes on the same release date. A plan for transferring the codes is in place, but all preschool IEPs will need to be reviewed for accuracy in preparation for Dec. 1 child count.</u> |
| Page 2 – Present levels of performance: Bolded and put a reminder at the bottom of the page of the required components | The reminder will be added and the will be reflected in the update |
| Page 3 – Assessment: Changed from four to three choices with the selection of assessment accommodations completed later on page 7 <ol style="list-style-type: none"> regular assessment with or without accommodations alternate assessment no assessment required | Four choices will still be reflected and the selection of accommodations will remain the same, having a box to select state and districtwide assessment. <ol style="list-style-type: none"> regular assessment without accommodations regular assessment with accommodations alternate assessment no assessment required |
| Page 3 – Assessment: with the selection of the alternate assessment a Yes – No choice has been added to indicate if the student meets the significant cognitive disability | This statement will be reflected in the update, but it will not be an active box and must be circled on the print form |
| Page 4A and 4B – Measurable Postsecondary Goals: There have been some significant changes to this section. Guidance and example forms will be posted on the web and training is scheduled for October (registration information will be sent out soon) <ul style="list-style-type: none"> Rapid City on Tuesday - 10-24 Chamberlain on Wednesday - 10-25 Aberdeen on Thursday - 10-26 Sioux Falls on Friday - 10-27 | These changes will be reflected in the update as well as the new Summary of Performance. |
| Page 5 – Goals and Objectives: The selection of accommodations and modifications as well as supports for school personnel has been added to this section. Duration has been added to Frequency and Location has been added as well. | These changes will be reflected in the update. Supports for school personnel will be completed in the same manner in which accommodations are selected. |

Continued on page 7

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|---|--|
| Page 6 – Related Services: PE and Hearing Aid Maintenance has been moved to Special Factors on Page 3. | This change does not affect the Online IEP. |
| Page 7 – Assessment Accommodations: On this page the team determines whether accommodations are needed on state and district wide assessment by test and subject area. | The accommodation section of the Online IEP is not changing, it will be very important to select the state and district assessment box when applicable and if comments for clarification need to be made they can be entered in the writeable fields or handwritten on the printed form. |
| Page 8 – Least Restrictive Environment: Continuum has been updated to reflect the new preschool codes. This also eliminated the need to check is the student was in a district preschool, Head Start, or K. | The placement code changes will be reflected in the update. |
| Page 8 – Least Restrictive Environment: Justification for placement now needs to be completed for all students. Students in the general classroom with modifications are no longer excluded. | This change does not affect the Online IEP |
| Page 8 – Least Restrictive Environment: In Program Options, Home Economics has been changed to Family and Consumer Science. In Non-Academic, Health has been changed to Health Services. | The changes will be reflected in the update. |
| Page 8 – Least Restrictive Environment: Reintegration Plan has been removed. | Unsure if this section will be able to be removed at this time, but this section will no longer be required. |

This fall, Special Education Programs is making in some changes to the Transition pages of the state-suggested IEP forms. These changes were necessary to comply with IDEA 2004. The Transition Services Liaison Project (TSLP) will be hosting Workshops featuring Ed O'Leary from Mountain Plains Regional Resource Center to explain these changes. These one-day trainings will be offered October 23-26th in Rapid City, Chamberlain, Aberdeen and Sioux Falls. A new Transition Technical Assistance Guide is also in the works.

Dan Rounds was recently hired as the Coordinator for the Transition Services Liaison Project. He is based in Pierre and has a great deal of experience assisting people with disabilities, and training both teachers and human services professionals. Dan and his TSLP staff are currently distributing updated "Transition Tackle Boxes" to schools and agencies around the state.

Dr. Greg Cooch from Black Hills State University has been reviewing the Exit Survey information that districts have recently submitted. As part of the State Performance Plan for Indicator 14, BHSU will be contacting special education students who graduated, aged out, or dropped out during the last school year to find out what they are doing for employment, post-secondary education, etc. These contacts will be made next spring, and Cooch is looking forward to gathering some meaningful data "On the fruits of our labors." As districts collect contact information for the current year's exiting students, Cooch would like to see more secondary phone numbers, e-mail addresses, and other contact numbers listed whenever possible.

TSLP, which is jointly funded by Special Education Programs and the Division of Rehabilitation Services, is currently in the process of scheduling Transition Forums and Catch the Wave workshops for the current school year. Both the Youth Leadership Forum and the Transition Summer Institute for teachers will be held at Sioux Falls College in June 2007.

For technical assistance or additional information please contact your regional liaison:

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